

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

sg6986

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In Re:

Chapter 7

Karen Abrams Walczuk,

Case No. 8-18-72540-reg

Debtor.

AFFIRMATION IN SUPPORT

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Stuart P. Gelberg, the undersigned, an attorney duly admitted to practice before this Court, affirms under penalty of perjury as follows:

- 1) I am the attorney for Karen Abrams Walczuk, the Debtor, and as such am fully familiar with the facts and circumstances set forth herein.
- 2) I make this affirmation in support of the Debtor's motion for an Order pursuant to 11 U.S.C. §522(f) avoiding the judgment liens of Midland Funding LLC, FIA Card Services, N.A., Citibank South Dakota NA, Maidenbaum & Sternberg, LLP FKA Rosenfeld & Maidenbaum, LLP and Rosenfeld & Maidenbaum, LLP as impairing the Debtor's homestead exemption and for such other, further and different relief as this Court may seem just, proper and equitable.
- 3) The Debtor commenced this Chapter 7 case by the filing of a Petition, Schedules and Statement of Financial Affairs on April 16, 2018.
- 4) The Debtor is the owner of real property known as 54 Warner Lane, Syosset, New York 11791 and has valued the subject property at no more than \$1,550,000.00. See Exhibit A Broker Price Opinion Letter dated July 26, 2018 prepared by Anne Fishbein of Douglas Elliman Real Estate.
- 5) The Debtor's property constitutes her principal residence. See the Voluntary Petition filed April 16, 2018 commencing this case.
- 6) The Debtor has claimed a homestead exemption of \$11,825.00 pursuant to 11 U.S.C. §522(d)(1). See Schedule C: Property Claimed as Exempt annexed hereto as Exhibit B. No one has objected to the claim of exemptions and the time to do so has expired.

7) The Debtor's residence is subject to a mortgage held by Caliber Home Loans in the unpaid principal balance of \$969,248.08 and arrears totaling \$605,496.07. In all, more than \$1,550,000.00 is due Caliber Home Loans. See a copy of the Mortgage Statement dated June 18, 2018 annexed hereto as Exhibit C.

8) The Debtor's property is further subject to judgment liens held by Midland Funding LLC, in the sum of \$7,586.67; FIA Card Services, N.A. in the sum of \$51,559.15; Citibank South Dakota NA in the sum of \$7,994.86; Maidenbaum & Sternberg LLP FKA Rosenfeld & Maidenbaum, LLP in the sum of \$8,195.68; and Rosenfeld & Maidenbaum, LLP in the sum of \$6,179.18. See a copy of the Judgment and Lien Search performed in the Nassau County Clerk's Office annexed hereto as Exhibit D.

9) Pursuant to 11 U.S.C. §522(f)(1) this Court may avoid the judgment liens to the extent that the liens impair the Debtor's homestead exemption.

10) The Debtor has no non-exempt equity in the subject property calculated by the value of the property (\$1,550,000.00) less the amount of the mortgage (not less than \$1,550,000.00) and the Debtor's (\$11,825.00) homestead exemption.

11) Based upon the foregoing, the judgment liens of Midland Funding LLC, FIA Card Services, N.A., Citibank South Dakota NA, Maidenbaum & Sternberg, LLP FKA Rosenfeld & Maidenbaum, LLP and Rosenfeld & Maidenbaum, LLP are avoidable in their entirety as they impair the Debtor's homestead exemption.

WHEREFORE, your affirment, respectfully requests an Order of this Court avoiding the judgment liens of Midland Funding LLC, FIA Card Services, N.A., Citibank South Dakota NA, Maidenbaum & Sternberg, LLP FKA Rosenfeld & Maidenbaum, LLP and Rosenfeld & Maidenbaum, LLP and for such other, further and different relief as this Court deems just, proper and equitable.

Dated: Garden City, New York
July 27, 2018

/s/ Stuart P. Gelberg
STUART P. GELBERG, (SG 6986)
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